

REMARKS

Claim 6 has been amended to recite standard Markush group language. Claims 22-24 have been added including recitations from original claims 19-21, respectively.

Entry of the above amendments is respectfully requested.

Rejection under 35 U.S.C. § 112, Second Paragraph

On page 2 of the Office Action, in paragraph 2, claim 6 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

The Examiner's position is that claim 6 contains the limitation "from the group comprising" which is indefinite because the term "comprising" is open language and can include any compound. Thus, the Examiner suggests that Applicant revise the claim to read --from the group consisting-- in order to conform to standard Markush group language.

In response, Applicant has amended claim 6 essentially as suggested by the Examiner by changing "selected from the group comprising" to "selected from the group consisting of" to recite standard Markush language.

Accordingly, Applicant submits that the present claims satisfy the requirements of 35 U.S.C. 112, § second paragraph, and withdrawal of this rejection is therefore respectfully requested.

Obviousness Rejection

On page 2 of the Office Action, in paragraph 4, claims 1-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ikenoya et al (U.S. Patent No. 5,732,825, cited in the IDS of 7/21/2003) in view of Ito et al (EP 0 721 975 A1, cited in the IDS of 7/21/2003).

The Examiner's Position

The Examiner's position is basically that Ikenoya et al teach a paper container laminate with gas barrier properties, including a paper layer, a metal foil gas barrier layer, and an epoxy-group-containing resin layer. While Ikenoya et al fail to teach that the epoxy-group-containing resin composition layer has the presently recited characteristics, the Examiner indicates that Ito et al teach those characteristics. The Examiner asserts that it therefore would have been obvious to have provided Ikenoya with the Ito characteristics in order to provide improved adhesive properties, high draw-down properties and excellent calendaring as taught or suggested by Ito et al.

Applicant's Response

In response, Applicant submits that claim 1 is patentable in a manner like amended claim 12 in the parent application. That is, Applicant submits that patentability is based on at least the feature that the (III) epoxy-group-containing resin composition is surface treated to a degree of oxidation in the range of 0.05 to 1.0, which is neither taught nor suggested in the cited art.

In this regard, Applicant submits that since the surface of the (III) epoxy-group containing resin composition layer is treated such that the degree of oxidation is in the range of 0.05 to 1.0, the adhesive strength of the (III) epoxy-group containing resin composition layer can

be improved. In addition, it is also possible to prevent the generation of adverse effects such as the limitations with respect to the molding temperature and productivity, and the generation of smoke during the processing steps and unpleasant odor in the final product.

These unique effects are disclosed in the present application at page 31, first paragraph. Applicant submits that these unique effects can be clearly seen from comparisons between Examples 13 and 14 and Comparative Examples 7 to 9 in Table 3 of the present application. Thus, Applicant submits that the present invention is also not obvious because it provides unexpectedly superior results.

Accordingly, Applicant submits that the present invention is not obvious, and withdrawal of this rejection is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/622,715

Attorney Docket No. Q75844

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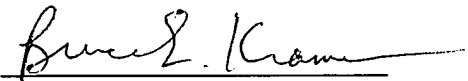
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